



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICATION FOR REISSUE OF UNITED STATES LETTERS PATENT**

**DECLARATION OF SAES GETTERS S.p.A.**

I, PAOLO DELLA PORTA, being duly advised, hereby declare as follows:

I am the Managing Director and Vice President of SAES GETTERS S.p.A., the assignee of the entire interest of U.S. Patent No. 5,408,832, I have authority to act on behalf of the company respecting reissue of this patent.

On behalf of the company, I state that we have reviewed and understand the contents of the above-identified specification, including the claims thereof, as now presented.

We believe that the original, first and joint inventors of the subject matter which is claimed and for which a reissue patent is sought on an invention entitled "Thermally Insulating Jacket and Related Process" are CLAUDIO BOFFITO, ANTONIO SCHIABEL and ALESSANDRO GALLITOGNOTTA, in whose name United States Letters Patent 5,408,832 issued on April 25, 1995.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, C.F.R. § 1.56(a).

We do not know and do not believe that the claimed invention was ever known or used in the United States before our invention thereof, or patented or described in any printed publication in any country before our invention thereof, or more than one year prior to this application, and that the same was not in public use or on sale in the United States of America more than one year prior to this or our original application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of our issued patent in any country foreign to the United

States of America on an application filed by us or our legal representatives or assigns more than twelve months prior to the application on which said patent is based.

U.S. Patent No. 5,408,832 is wholly or partially inoperative or invalid by reason of a claim for foreign priority under 35 U.S.C. §119 not having been perfected in the manner required by statute. The incident application claims priority under 35 U.S.C. §119 based on applicants' Italian Application MI92 A 1416, filed June 8, 1992. A review of the file wrapper indicates that the conditions for meeting the claim for priority under 35 U.S.C. §119 nevertheless were not met because the certified copy of applicants' Italian patent application was not filed with the Office. The payment of the issue fee in this case corresponded in time with the transfer of responsibility for this case to new U.S. counsel. It appears that the filing of the priority document was inadvertently omitted during the transfer of files between counsel, with new counsel assuming that the priority document had already been filed whereas prior counsel apparently assumed that the priority document would be filed with payment of the issue fee. This error arose without any deceptive intent on the part of the applicants. Applicants and their assignee became aware of this error only within the last month when advised by U.S. counsel that the patent had issued without the benefit of priority under §119.

This request for reissue does not seek to enlarge the scope of the claims of the original United States Letters Patent No. 5,408,832.

I hereby declare that all statements herein made of my own knowledge are true and that all statements herein made on information and belief are believed to be true; and further, that these statements were made with knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: July..2, 1996

  

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Paolo della Porta